

Minutes of the Salem City Council Meeting held on December 8, 2004 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:30 PM

CONDUCTING: Mayor Randy A. Brailsford.

COUNCIL PRESENT:

Mayor Randy A. Brailsford
Councilperson Lynn Durrant
Councilperson Dale Boman
Councilperson Terry A. Ficklin
Councilperson Paul J. Hair
Councilperson Dale R. Wills

STAFF PRESENT:

Jeffrey Nielson, City Recorder
Chief Brad James, Police Chief
David Johnson, Public Works
Junior Baker, City Attorney

OTHERS PRESENT

Laura K. Brighton
Alberto Arreola
Duane Horton
Cherie Richins
Colette Edstrom

Tom Brighton Jr.
Nate Horton
Jeff McComas
Bill Young
Reta Tischner

Tom Brighton Sr.
John Horton
Mike Christianson
Wendy Varney

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Brailsford asked if anyone would like to give a motivational or inspirational message. Councilperson Boman offered to give a motivational message. He then offered a prayer for the message.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Mayor Brailsford asked Police Chief James if he would invite all who would like to participate to stand and say the pledge of allegiance.

3. RETA TISCHNER - ACTIVITIES

Mayor Brailsford turned the time over to Reta Tischner. Reta stated she would like to propose to the council that the city do another cemetery walk. The last time the city did a cemetery walk it was great, and a lot of people have commented on it. She has talked to the mayor about it, and feels it would be a good idea. At first she wanted to hold it around Salem Days, but after talking to the mayor, he felt that it would be good to have it

the week before Memorial Day, she is looking at May 21. Along with the cemetery walk she would like to have other activities, make it a heritage event. She would like to utilize the group of people who have the tractors, do some events on the pond with logs, have a fun run, quilt show, Miss Salem doing cow milking activities, a dutch oven cook-off, picnics at the park, visit old buildings and homes in town, the sky is the limit on what we can do. She wants the town to be able to celebrate the heritage of Salem. She would like to get a committee together to help with it and would also like to utilize the kids at the school.

Reta also asked the council if they have come up with a theme for Salem Days yet. The reason why she is wondering is because she has been asked to do the pageant and she has already started on it. The council stated that they have not, but they will work with what she has done this far with the pageant.

4. AMENDING THE COMPREHENSIVE GENERAL PLAN AND COMPREHENSIVE ZONING ORDINANCE TO ALLOW PLANNED UNIT DEVELOPMENTS AND ESTABLISHING STANDARDS.

Junior stated that Planning Commission and City Council members have been working hard to get the PUD together. This would be changing the residential-low dwelling units per acre from 3.5 to 4.5, and changing residential-medium to 5. With these adjustments there needs to be a change made to the general plan. Mayor Brailsford stated that a new zone will also have to be created soon.

MOTION BY: Councilperson Terry Ficklin to Amend the Comprehensive General Plan Allowing Planned Unit Developments and Establishing Standards.

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (5-0).

Attorney Baker stated that most of the zoning ordinance is built into the subdivision ordinance. Attorney Baker then went over the changes that the council and the Planning Commission had made.

Changes are eliminating town homes from PUD. The city will then need to create a new zone for town homes. Eliminate PUD in R-1 Zones, so PUD will only be allowed in R-2 zones. Minimum size would need to be twenty acres. Buildings must be a minimum of sixteen feet apart. Rear setback is at least twenty feet, but the council may approve a shorter distance during the approval process. Two-story buildings must have 1,400 square feet finished floor area above finished grade. The PUD will be required to have a minimum of five different floor plans, with no identical floor plan located next to, nor directly across the street from each other. The roof pitch has a minimum of 6/12. Any HOA which would be determined by the developer with a minimum amount of \$20,000. Front porches must be a minimum size of 128 square feet. Increase the final plat fee per lot.

Councilperson Wills was wondering about the \$20,000 for HOA, if that is going to be enough. There was some discussion on prices. It was determined to change it to either \$20,000 or \$400 per lot, whichever is greater.

Attorney Baker stated that with these changes, he feels the ordinance would be ready to adopt. Mayor Brailsford made the suggestion to the council to approve the ordinance with the changes upon the approval of himself and Councilperson Wills.

MOTION BY: Councilperson Lynn Durrant to approve Ordinance Allowing Planned Unit Development and Establishing Standards with said changes and upon the approval of Mayor Brailsford and Councilperson Wills reviewing the changes to the ordinance.

SECONDED BY: Councilperson Dale Boman.

VOTE: All Affirmative (5-0).

5. LEI CONTRACT

Mayor Brailsford asked the council if they had any comments or concerns.

Councilperson Wills asked if we are mandated to put this out for bid. Attorney Baker stated that we do not have to, but we can if the council would like. Mayor Brailsford stated that with Mike Christensen (LEI Engineer) being a member of the DRC board, he can not do any design work for developers then review it for the city. Councilperson Wills stated that he is also concerned about that. The more eyes we have reviewing the designs of developments the better off we are. We can not have LEI designing projects then reviewing them for the city. Mike Christensen stated that if there ever was that situation, they would have a third party review the design, just so LEI is not doing the design and review. LEI would not allow that to happen. Attorney Baker stated that in the city code it also does not allow that to happen. It states by being the city engineer they can not do other work in the city.

MOTION BY: Councilperson Terry Ficklin to accept the LEI Contract.

Councilperson Paul Hair had a question on the motion. He was wondering if we wanted to get other bids from other engineers, for example from Bruce Ward from Aqua Engineers. Mayor Brailsford stated that LEI does work for Woodland Hills and Aqua does work for Elk Ridge, there could be a potential for conflict. Yet we are also in a small area. Councilperson Hair stated that where Bruce Ward has asked, he feels it would only be right to allow them to bid also.

MOTION BY: Councilperson Terry Ficklin to table the contract with LEI and to put on the council agenda for the first council meeting in January to award the contract for engineering firm. Also to put a RFP (request for proposal) in the paper.

SECONDED BY: Councilperson Paul Hair.

VOTE: All Affirmative (5-0).

6. JEFF GARDNER – SALE OF STORY TELLER

Mayor Brailsford asked if Jeff Gardner was present, he was not. Nate Horton stated that he is a representative from the company who is looking at purchasing the building. He understands that the Story Teller building is up for sale. He would like to purchase it to have a business in there. Mayor Brailsford asked Dale Whiting (who owns half of the building) if they want to sell the building. Dale Whiting stated that he is not selling his half. Mayor Brailsford stated that it is out of the city's hands then. The property owners need to determine if they want to sell the property or not. When the Story Teller first took over the building, it was a mess. They have kept it up pretty good, and he feels that Dave Horton would do the same, if the property is sold. Attorney Baker stated that they would have to follow what the ordinances states. Dale Whiting asked the mayor and council, because they are neighbors next to the building, if the building is ever sold would the neighbors be able to come to city council meeting and express their feelings. Mayor Brailsford stated that all council meetings are open for the public to attend.

7. TOM BRIGHTON – SEPTIC TANK

Mayor Brailsford turned the time over to the Brightons. Tom Brighton stated that they own the Laura Kay's Nursery at the north end of town. They have purchased some property on a foreclosure. They showed the area and the property they have purchased on a map. Their business is small right now, but they want to grow. They are hoping to become a premier nursery in the area. Part of the property they have purchased is a small residential area next to the property. They would like to build a home on that property. They have had some items stolen from the nursery and they feel that if they have a home there it would help the area to become more secure. Tom understands that because the sewer line is not out to that area yet, that they would have to have a septic tank, and that is why they are at council meeting, to ask the council for approval of a septic tank. They understand that because the property has been subdivided a septic tank is not allowed in subdivisions. They are wondering if the council will allow them to build a home. The council asked who he purchased the property from. Tom stated that the property was owned by Mountainland Supply Company, who got it from the Maughan's. Attorney Baker stated that they would also have to extend the road in front of Brent Hanks' building so they would have enough frontage to build. With the way the ordinance is written this would have to be done. Tom was wondering if there is anything they can do. The council told him that he would need to find out if the property was divided before it was annexed into the city. If it was divided before the annexation, then the council could look at the septic tank issue, but the road would still need to be completed. The other issue is the zone, and it looks like the zone would have to be changed, and would need to match up with other zones next to it. It was stated that Alan Stubbs property would be next to the property in question. The council stated they would like to work with Tom, but must follow the laws that have been set. They told Tom the first thing he should do is find out from the county when the property was annexed into the city and if the property was divided before or after. They would like to have a history of the property.

8. BOB NELSON CONNECTOR'S AGREEMENT

Mayor Brailsford turned the time over to Attorney Junior Baker. Attorney Baker explained that this connector's agreement is a standard agreement. The one item that is unusual is the portion about street lights, but it is okay. The amount of time is over a seven year period.

MOTION BY: Councilperson Dale Wills to approve Bob Nelson connector's agreement.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

9. ORDINANCE MAKING CHANGES TO THE EMPLOYEE PERSONNEL SYSTEM

Mayor Brailsford turned the time over to Attorney Junior Baker. Attorney Baker stated that during this last State Legislation session the legislation changed the state law regarding termination boards. If someone was terminated they had the opportunity to go before a termination board. The new state law has gotten rid of the termination board, and has changed the appeal board to be made up of the council, rather than city employees. The Mayor Pro Tempore will be the chair person over the board, and the mayor will be excluded.

MOTION BY: Councilperson Lynn Durrant to approve ordinance 12804 making changes to the employee personnel system.

SECONDED BY: Councilperson Dale Wills.

VOTE: All Affirmative (5-0).

10. RESOLUTION ADOPTING CHANGES TO THE PERSONNEL POLICY

Attorney Baker stated that this goes along with the ordinance that was just past. This adds the wording to the personnel policy and changes the appeal board to be made up with the council and also states the process and responsibilities.

MOTION BY: Councilperson Dale Wills to approve resolution 12804 adopting changes to the personnel policy.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

11. APPROVE MINUTES OF NOVEMBER 17, 2004

Councilperson Ficklin stated that on line 274, it should read “electrical problem” to add the word “problem”.

MOTION BY: Councilperson Terry Ficklin to approve the minutes of November 17, 2004 with said changes.

SECONDED BY: Councilperson Dale Wills.

VOTE: All Affirmative (5-0).

12. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Paul Hair to approve the bills for payment.

SECONDED BY: Councilperson Dale Wills.

VOTE: All Affirmative (5-0).

13. PUBLIC SAFETY

Police Chief Brad James asked the council if they had anything for him, the council did not.

14. OPEN DISCUSSION

Mayor Brailsford asked if anyone in the public had anything for open discussion. No one had anything for open discussion.

COUNCIL REPORTS

15. MAYOR RANDY A. BRAILSFORD

Mayor Brailsford stated that as of January 1, 2005 the executive order that has been in place to not allow any new development will be lifted. He stated that with the work on our well, and with the wet winter, he feels good about lifting the restriction. But at anytime in the future if he sees that there would be any jeopardy of not enough water for indoor or fire protection for people or property, he could put the executive order back into effect. Attorney Baker stated that the way the ordinance reads, the mayor can place the executive order on, but then the council could overrule the mayors decision.

Councilperson Ficklin was wondering about the engineers study showing that we have enough water until 2009, and if someone could take us to court. Attorney Baker stated that if someone could take us to court stating we had illegal interference with their development. Mayor Brailsford stated that we can show proof that we were having

problems with water. We can show how our system works, and what our wells are producing. Attorney Baker stated that we can show that we have a plan in place and show what we have done to improve the water system. Mayor Brailsford stated we have upgraded the springs, and with the work done on the well. We are also looking at a secondary system.

Mayor Brailsford asked the council if they had any questions regarding the light parade on the 18th of December. The parade is scheduled to start at 5:30 P.M.

16. COUNCILPERSON DALE BOMAN

Councilperson Boman stated that he approved the purchase of a new welder at the shop today, the cost was \$400.

17. COUNCILPERSON LYNN DURRANT

Councilperson Durrant was wondering if it would be okay to do a work order for the power department to install a streetlight over at the library on the power pole that is empty. The mayor stated that would not be a problem, especially since she is over the power department. Councilperson Durrant also stated that the library may become credited by April.

18. COUNCILPERSON TERRY A. FICKLIN

Councilperson Ficklin did not have anything to report tonight.

19. COUNCILPERSON PAUL J. HAIR

Councilperson Hair stated he has a meeting set up with Elk Ridge and Russ Sly to present the proposal for the work needing to be done on the head works at the sewer plant. Bruce Ward and Mike Pritchett will be there. He also reported that Mike Pritchett reported to him that the reducer on the muffin monster went out; he had to get an original part out of California, and hoping to have it here in the next couple of days.

Mayor Brailsford stated that he received a call from the Mayor of Elk Ridge regarding the letter protesting the Zorro annexation. He stated he had misread the map of where the annexation would be, and that he was going to withdraw the protest letter.

20. COUNCILPERSON DALE R. WILLS

Councilperson Wills reported that the roads were really bad with this last snow storm. He stated that the red truck kept breaking down. He stated he has a concern with the way the guys are snow plowing. He followed one of the trucks for a while, and they were just sanding, and not plowing the roads. He would like to have a meeting with the employees who plow the roads and wondering if the mayor would like to attend. Mayor Brailsford stated that would be good and he would like to have Chief James there also. The meeting was scheduled for 8:00 AM the following morning.

Councilperson Wills wanted to update the council on the work being done on the well. The testing is completed and everything went very well. We will be getting 2500 GPM (Gallons per minute) when the new pump is installed. This will increase our water capacity by 25%. Mayor Brailsford stated he does not feel we need to put the old pump on at this time.

Councilperson Wills reported on recreation, the Junior Jazz basketball increased by 15% from last year. The fishing club will be coming up, but we are looking for some help. The wrestling program also went well; it was up from last year too.

21. ATTORNEY S. JUNIOR BAKER.

Attorney Baker stated that Attorney Christine Johnson came to Planning and Zoning the other night, but it had been cancelled and no one told her about it.

CLOSE CITY COUNCIL MEETING

MOTION BY: Councilperson Terry Ficklin to close city council meeting.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (5-0).

MEETING ADJOURNED AT: 8:55 PM

Jeffrey Nielson, City Recorder